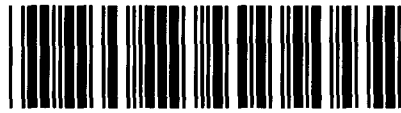


Control Number: 48484



Item Number: 12

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PETITION OF EQK BRIDGEVIEW §  
PLAZA, LLC TO AMEND HIGH POINT §  
WATER SUPPLY CORPORATION'S §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN KAUFMAN §  
COUNTY BY EXPEDITED RELEASE §

PUBLIC UTILITY COMMISSION

OF TEXAS

2018 SEP 12 AM 10:50

PUBLIC UTILITY COMMISSION  
FILING CLERK

### COMMISSION STAFF'S STATEMENT OF CLARIFICATION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Statement of Clarification in response to Order No. 4 Requiring Clarification. In support thereof, Staff shows the following:

#### I. BACKGROUND

On June 22, 2018, EQK Bridgeview Plaza, LLC (EQK Bridgeview) filed a petition with the Public Utility Commission of Texas (Commission) for expedited release from High Point Water Supply Corporation's (High Point WSC) water certificate of convenience and necessity (CCN) No. 10841, pursuant to Tex. Water Code (TWC) § 13.254(a-5) and 16 Tex. Admin. Code (TAC) § 24.113(d).

EQK Bridgeview asserts that it owns over 25 acres of contiguous property in Kaufman County, Texas (Property). Furthermore, EQK Bridgeview states that the entirety of the Property is located within the boundaries of water CCN No. 10841. Additionally, EQK Bridgeview claims that the Property is not receiving service from any water service provider.

On September 11, 2018, the Administrative Law Judge (ALJ) issued Order No. 4, requiring Staff to clarify its final recommendation by September 14, 2018. Therefore, this pleading is timely filed.

#### II. STAFF'S STATEMENT OF CLARIFICATION

EQK Bridgeview's petition and attached affidavit refer to 2,807 acres requested for release from High Point WSC's CCN No. 10841. Staff's final recommendation, filed on August 9, 2018, refers to the release of 1,819 acres of land. As supported by the attached memorandum from Patricia Garcia of the Commission's Water Utility Regulation Division, Staff respectfully clarifies that the total property owned by EQK Bridgeview is approximately 2,807 acres, but the area being

requested for expedited release from High Point WSC is approximately 1,819.9 acres; the remaining area owned by EQK Bridgeview is not located within High Point WSC's CCN.

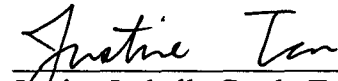
Dated: September 12, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney



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**DOCKET NO. 48484**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 12, 2018, in accordance with 16 TAC § 22.74.



Justine Isabelle Caedo Tan

## PUC Interoffice Memorandum

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**To:** Justine Isabelle Tan, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Patricia Garcia, Engineering Specialist  
Water Utility Regulation Division

**Date:** September 12, 2018

**Subject:** **Docket No. 48484:** *Petition of EQK Bridgeview Plaza, LLC to Amend High Point Water Supply Corporation's Certificate of Convenience and Necessity in Kaufman County by Expedited Release*

On June 22, 2018, EQK Bridgeview Plaza, LLC (EQK Bridgeview or Petitioner) filed a petition for expedited release from High Point Water Supply Corporation's (WSC) water Certificate of Convenience and Necessity (CCN) No. 10841 in Kaufman County, under Texas Water Code (TWC) Chapter § 13.254(a-5) and 16 Texas Administrative Code (TAC) § 24.113(I). The Petitioner asserts that the land is at least 25 contiguous acres, is not receiving water service, and is located in Kaufman County which is a qualifying county.

The Petitioner has provided an adequate map delineating the requested area for expedited release with enough detail to confirm the accurate positioning of their digital data pursuant to 16 TAC § 24.119. The map and digital data are sufficient for determining the locations of the requested release areas within High Point WSC's certificated area. Mapping Staff was able to confirm the acreage of the subject properties, and determined that the requested areas are located within the subject property. Furthermore, the Petitioner provided warranty deeds confirming the Petitioners' ownership of the tracts of land within the subject property. In addition, the Petitioner submitted a sworn affidavit attesting that the property was not receiving water from the CCN holder. The total property owned by EQK Bridgeview is approximately 2807 acres. The area being requested for expedited release from High Point WSC is approximately 1819.9 acres, the remaining area owned by EQK Bridgeview is not located within High Point WSC's CCN.